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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

5

Application Number

09/581,331

Filing Date

07/21/2000

First Named Inventor

Stuiver, et al.

Art Unit

1638

Examiner Name

Kruse, David H.

Attorney Docket Number

46055/MOG/US/PCT

**ENCLOSURES (Check all that apply)**

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/  
Incomplete ApplicationReply to Missing Parts  
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a  
Provisional ApplicationPower of Attorney, Revocation  
Change of Correspondence Address

Terminal Disclaimer



Request for Refund



CD, Number of CD(s) \_\_\_\_\_

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After Allowance Communication to TC

Appeal Communication to Board  
of Appeals and InterferencesAppeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify  
below):

Return Post Card

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Syngenta Biotechnology, Inc.

Signature

Printed name

Michael E. Yates

Date

February 1, 2005

Reg. No.

36,063

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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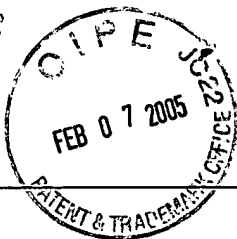
Laneisha C. Hayes

Date

February 1, 2005

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1638  
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*Laneisha C. Hayes*  
Signature

February 1, 2005

Date

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
STUIVER *et al.*

Serial No.: 09/581,331

Group Art Unit: 1638

Filed: July 21, 2000

Examiner: Kruse, David H.

For: CONSTITUTIVE PLANT PROMOTERS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### RESPONSE TO NON-FINAL OFFICE ACTION

Sir:

In response to the Office Action dated November 5, 2004, please enter the following amendments and take the remarks into consideration.